

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11399

Application of:

SMYTH, M. et al.

Group Art Unit: 3623

Serial No. 10/735,483

Examiner: FLEISCHER, MARK A.

Filed: December 12, 2003

For: **METHODS AND SYSTEMS FOR TUNING SEASONAL DEMAND
FORECASTS FOR PRODUCTS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 1 through 6 of the present application. No amendments are being presented with this request. This request is being filed concurrently with a Notice of Appeal. Claims 1 through 6 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Nau, "Time Series Forecasting in Statgraphics", 2002 (hereinafter referred to as Nau), in view of D. Bunn and A. Vassilopoulos, "Comparison of seasonal estimation methods in multi-item short-term forecasting", 1999, Elsevier, International Journal of Forecasting, Vol. 15; pages 431-443 (hereinafter referred to as Bunn).

Rejection of claims under 35 U.S.C. §103(a)

The rejection of claims 1 through 6 under 35 U.S.C. §103(a) as being unpatentable over Nau in view of Bunn is respectfully traversed.

Independent claim 1 includes the step of providing computer readable program code to a processor to perform the steps of:

comparing historical weekly sales data for one of said plurality of products obtained from said data warehouse with each one of said seasonal models stored within said computer storage device;

for each comparison between the historical weekly sales data for said one of said plurality of products and one of said seasonal models, calculating a variance; and

associating said one of said plurality of products with the seasonal model having the smallest variance associated therewith.

Nau was cited as teaching the above steps. Applicant respectfully disagrees. Nau does not teach the steps of “comparing historical weekly sales data for one of said plurality of products obtained from said data warehouse with each one of said seasonal models stored within said computer storage device;” “for each comparison between the historical weekly sales data for said one of said plurality of products and one of said seasonal models, calculating a variance;” and “associating said one of said plurality of products with the seasonal model having the smallest variance associated therewith.”

The Statgraphics system described in Nau can be used to analyze time-series data and compare the series data to multiple statistical forecasting models, such as a Linear Trend model, a Random Walk model, Exponential Smoothing models, and ARIMA (autoregressive integrated moving average) models. These

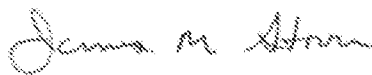
forecasting models utilized within the Statgraphics application are not equivalent to the seasonal profiles or models generated by the Teradata DCM application as described in the specification and recited in the claims of the present application. The seasonal profiles described in the specification and recited in the claims of the present application each represent a seasonal selling pattern for a product or group of products calculated specifically for the product or group of products from historical sales data. The forecasting models utilized within the Statgraphics application are mathematical or statistical models which are not calculated from product sales data.

It is not seen that Nau teaches or suggests a process for “comparing historical weekly sales data for one of said plurality of products obtained from said data warehouse with each one of said seasonal models stored within said computer storage device;” “for each comparison between the historical weekly sales data for said one of said plurality of products and one of said seasonal models, calculating a variance;” and “associating said one of said plurality of products with the seasonal model having the smallest variance associated therewith.” It is accordingly believed that independent claim 1, and claims 2 and 3 which depend from claim 1, each recite an invention which is patentable over the cited references.

Independent claim 4 includes limitations corresponding to those identified above in the discussion of the rejection of claim 1. For the reasons provided above, it is also believed that independent claim 4, and claims 5 and 6 which depend from claim 4, each recite an invention which is patentable over the cited references.

In view of the foregoing amendments and remarks, it is believed that the application including claims 1 through 6 is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Stover", written in dark ink.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <div style="text-align: center;">11399</div>									
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	First Named Inventor <div style="text-align: center;">SMYTH, M.</div>										
	Art Unit <div style="text-align: center;">3623</div>	Examiner <div style="text-align: center;">FLEISCHER, MARK A.</div>									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; text-align: center; vertical-align: top; padding-bottom: 10px;">_____ /James M. Stover/ Signature</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="text-align: center; vertical-align: top; padding-bottom: 10px;">_____ James M. Stover Typed or printed name</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 32,759</td><td style="text-align: center; vertical-align: top; padding-bottom: 10px;">_____ 937-242-4727 Telephone number</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="text-align: center; vertical-align: top; padding-bottom: 10px;">_____ October 20, 2008 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	_____ /James M. Stover/ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____ James M. Stover Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 32,759	_____ 937-242-4727 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	_____ October 20, 2008 Date
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